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8                          IN THE UNITED STATES DISTRICT COURT  
9                          FOR THE EASTERN DISTRICT OF CALIFORNIA

10 DARRYL STOKES,

11                          Plaintiff,                          No. CIV S-09-2621 KJM P

12                          vs.

13 DY, et al.,

14                          Defendants.                          ORDER

15 \_\_\_\_\_ /  
16                          Plaintiff, a federal prisoner proceeding pro se, has filed a Bivens action pursuant  
17 to 28 U.S.C. § 1331, together with a request to proceed in forma pauperis. In light of 1996  
18 amendments to 28 U.S.C. § 1915, this court will not rule on plaintiff's request to proceed in  
19 forma pauperis.

20                          The federal venue statute requires that a civil action, other than one based on  
21 diversity jurisdiction, be brought only in "(1) a judicial district where any defendant resides, if  
22 all defendants reside in the same State, (2) a judicial district in which a substantial part of the  
23 events or omissions giving rise to the claim occurred, or a substantial part of property that is the  
24 subject of the action is situated, or (3) a judicial district in which any defendant may be found, if  
25 there is no district in which the action may otherwise be brought." 28 U.S.C. § 1331(b).

26                          ////

1           In this case, none of the defendants reside in this district. The claim arose in King  
2 County, Washington, which is in the Western District of Washington. Therefore, plaintiff's  
3 claim should have been filed in the United States District Court for the Western District of  
4 Washington. In the interest of justice, a federal court may transfer a complaint filed in the wrong  
5 district to the correct district. See 28 U.S.C. § 1406(a); Starnes v. McGuire, 512 F.2d 918, 932  
6 (D.C. Cir. 1974).

7           Accordingly, IT IS HEREBY ORDERED that:

- 8           1. This court will not rule on plaintiff's request to proceed in forma pauperis; and  
9           2. This matter is transferred to the United States District Court for the Western  
10 District of Washington, Seattle Division.

11 DATED: October 1, 2009.



A handwritten signature in blue ink, appearing to read "John Muller", is written over a horizontal line. Below the line, the text "U.S. MAGISTRATE JUDGE" is printed in capital letters.

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